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NOHEMI LAZCANO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOHEMI LAZCANO,

Plaintiff,

JOHN E. POTTER, IN HIS OFFICIAL
CAPACITY AS POSTMASTER
GENERAL,

Defendant.

NO. C05-3396 WHA

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION TO
COMPEL CERTAIN DISCOVERY
RESPONSES**

This matter came on regularly for hearing on August 2, 2006, at 9:00 a.m. before the Honorable Judge William H. Alsup in Courtroom 9 of the above-entitled Court, pursuant to Plaintiff's request to compel answers to Plaintiff's Interrogatory Nos. 1, 2, 3, 4, 6 and 7, and documents responsive to Plaintiff's First Request for Production of Documents Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16. Pamela Y. Price, P. Bobby Shukla and Ok-Hee Shim of Price And Associates appeared on behalf of Plaintiff NOHEMI LAZCANO. Abraham Simmons, Assistant United States Attorney, appeared on behalf of Defendant JOHN E. POTTER.

1 The Court having read and considered the moving papers and the opposition
2 thereto, and having heard and considered the arguments of counsel, and good cause
3 appearing therefor, **IT IS HEREBY ORDERED THAT:**

4 1. Plaintiff LAZCANO's request to compel answers to Plaintiff's
5 Interrogatory Nos. 1, 2, 3, 4, 5, 6 and 7 is GRANTED. Defendant POTTER shall answer
6 Plaintiff's Interrogatory Nos. 1, 2, 3, 4, 6 and 7 on or before August 16, 2006 in accordance
7 with this Court's instructions at the hearing on August 2, 2006.

8 2. Plaintiff LAZCANO's request to compel documents responsive to
9 Plaintiff's Request for Production of Documents Nos. 5, 6 and 7 is DENIED without
10 prejudice.

11 3. Plaintiff LAZCANO's request to compel documents responsive to
12 Plaintiff's Request for Production of Documents No. 8 is GRANTED. Defendant POTTER
13 shall produce any responsive documents no later than August 16, 2006 in accordance with
14 this Court's instructions at the hearing on August 2, 2006.

15 4. Plaintiff LAZCANO's request to compel documents responsive to
16 Plaintiff's Request for Production of Documents No. 9 is GRANTED. Defendant POTTER
17 shall produce any responsive documents no later than August 16, 2006 and in accordance
18 with this Court's instructions at the hearing on August 2, 2006.

19 5. Plaintiff LAZCANO's request to compel documents responsive to
20 Plaintiff's Request for Production of Documents No. 10 is DENIED without prejudice to
21 Plaintiff LAZCANO discovering whether Jack Boster has been a Defendant in any lawsuits
22 involving any allegations of misconduct by him between January 1, 1996 to the present.

23 6. Defendant POTTER shall provide declarations no later than
24 August 16, 2006 setting forth the reasons supporting his representation that a search for and
25 production of any documents responsive to Plaintiff's Request for Production of Documents
26 Nos. 11, 12, 13, 14, 15 and 16 is unduly burdensome.

27 **IT IS SO ORDERED.**

1 Date: August 2, 2006
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